

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

Theodore F. Smolen,

Plaintiff,

V.

Chase Bank USA, N.A. and Experian
Information Solutions, Inc.,

Defendants.

CASE NO. _____

JOINT NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendants Experian Information Solutions, Inc.

(“Experian”) and Defendant Chase Bank USA, N.A. (“Chase”) hereby file their Joint Notice of Removal of the above-captioned action to this Court and state as follows:

1. Experian and Chase are named Defendants in Civil Action No. 0938-cv-1417 filed in the Haverhill District Court for the State of Massachusetts, County of Essex (the “State Court Action”).

2. The Complaint in the State Court Action was filed with the Clerk of the Haverhill District Court, County of Essex on November 5, 2009. Defendant Experian was the first defendant served and was served with the complaint on November 19, 2009.

3. This Notice is being filed with this Court within thirty (30) days after Defendant Experian received a copy of Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

4. A copy of all process, pleadings, and orders served upon the Defendants in the State Court Action is attached hereto as Exhibit A.

5. Experian is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Experian uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

7. Chase is a national banking association which regularly furnishes information to one or more consumer reporting agencies about its transactions or experience with consumers, and therefore is a “furnisher of information” within the meaning of 15 U.S.C. § 1681s-2.

8. The claims for relief against Experian and Chase alleged in the State Court Action arise under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* Thus, this court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p, without regard to the amount in controversy. The above-captioned action may therefore be properly removed to this United States District Court pursuant to 28 U.S.C. § 1441(a) and (b).

15. All defendants served with the Complaint in the State Court Action consent to and join in this Joint Notice of Removal.

16. Promptly after the filing of this Joint Notice of Removal, Defendants shall provide notice of the removal to Plaintiff through his/her attorney of record in the State Court Action and to the clerk of the Court in the State Court action, as required by 28 U.S.C. § 1446(d).

Dated: December 18, 2009

Respectfully submitted,

/s Robert S. White

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Dated: December 18, 2009

Respectfully submitted,

/s Darrell Mook

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*Attorneys for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing JOINT NOTICE OF REMOVAL has been served on the following party via electronic mail and U.S. First-Class Mail on this 18th day of December, 2009.

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/s/ Alan D. Schwartzwald
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